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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DIEGO M. GALIETTI, an individual,

Case No.: 2:19-cv-02172-JAD-VCF

Plaintiff,

AMENDED STIPULATION AND ORDER

vs.

ECF No. 17

WESTERN PROGRESSIVE-NEVADA,
INC., and DOES I THROUGH X inclusive;
and ROE CORPORATION XX through
XXX, inclusive,

Defendant.

Defendant Western Progressive-Nevada, Inc. ("Western Progressive"), by and through its counsel of record, Christina V. Miller, Esq., and Ramir M. Hernandez of the law firm Wright Finlay & Zak, LLP, and Plaintiff Diego M. Galietti ("Plaintiff") by and through his counsel of record, David M. Crosby, of Crosby & Fox LLC do hereby stipulate and agree as follows:

1. The real property at issue in this litigation is 3569 Pinnate Dr., Las Vegas, NV 89147, APN: 163-16-617-002 and bearing following the legal description: "LOT ONE HUNDRED TWELVE (112) IN BLOCK TWO (2) OF CIMARRON SPRINGS – UNIT 2, AS SHOWN BY MAP THEREOF ON FILE IN BLOCK 84 OF PLATS, PAGE 48, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA." (hereinafter the "Property").

2. On December 14, 2016, Western Progressive recorded a Notice of Default against the Property on December 14, 2016, as instrument number 20161214-0000189 ("Notice of the Default") in the office of the Recorder of Clark County, State of Nevada

1 3. On January 6, 2020, Western Progressive recorded a Trustee's Deed Upon Sale
2 against the Property. The Trustee's Deed Upon Sale bears the Instrument No. 20200106-
3 0000274 and was recorded in the Recorder's Office, Clark County Nevada. A true and correct
4 copy of the Trustee's Deed Upon Sale is attached to this Stipulation as **Exhibit A**.

5 4. Western Progressive will record a Rescission of the Trustee's Deed Upon Sale
6 no later than 30 days after the entry of this Stipulation and Order.

7 5. Western Progressive shall also record a Rescission of the Notice of Default no
8 later than 30 days after the entry of this Stipulation and Order.

9 6. Except to the extent to enforce this Stipulation and Order, Plaintiff agrees to
10 dismiss the lawsuit with prejudice.

11 7. Except to the extent to enforce this Stipulation and Order, Plaintiff also waives
12 and forever discharges any claims related to the Notice of Default.

13 8. This Stipulation does not affect Plaintiff's rights or remedies should a future
14 Notice of Default be recorded against the Property.

15 9. This Stipulation does not affect Western Progressive's other rights or remedies as
16 to the Property, including, but not limited to, the recording of a future Notice of Default and
17 proceeding with foreclosure on a future Notice of Default.

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10. Recordation of this Order shall constitute constructive notice to all affected persons of the entry of this Order as of the date of recordation, and the same is, and shall be, final judgment in this action.

IT IS HEREBY STIPULATED.

Dated this 21st day of February, 2020.

Dated this 21st day of February, 2020

WRIGHT, FINLAY & ZAK, LLP

CROSBY & FOX, LLC

/s/ Ramir M. Hernandez

/s/ David M. Crosby

Christina V. Miller, Esq.

David M. Crosby, Esq.

Nevada Bar No. 12448

Nevada Bar No. 3499

Ramir M. Hernandez, Esq.

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7785 W. Sahara Ave., Ste. 200

710 South Eighth Street

Las Vegas, NV 89117

Las Vegas, NV 89101

Attorney for Defendant Western Progressive-Nevada, Inc.

Attorneys for Plaintiff, Diego Galietti

ORDER

Based on the parties' stipulation [ECF No. 17] and good cause appearing, IT IS SO ORDERED. THIS ACTION IS DISMISSED with prejudice, each side to bear its own fees and costs. The **Clerk of Court** is directed to **CLOSE THIS CASE**.


U.S. District Judge Jennifer A. Dorsey

Dated: March 3, 2020

EXHIBIT A

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TS No.: 2016-00623-NV
APN Number: 163-16-617-002
RECORDING REQUESTED BY:
Premium Title Agency, Inc

AND WHEN RECORDED TO:
CITIBANK, N.A. AS TRUSTEE FOR AMERICAN
HOME MORTGAGE INVESTMENT TRUST 2004-3
c/o PHH Mortgage Corporation
Attention: Trailing Docs
5720 Premier Park Drive
West Palm Beach, FL- 33407

Forward Tax Statements to
the address given above

Inst #: 20200106-0000274
Fees: \$42.00
RPTT: \$1420.35 Ex #:
01/06/2020 08:03:45 AM
Receipt #: 3948403
Requestor:
PREMIUM TITLE TSG
Recorded By: ANI Pgs: 4
DEBBIE CONWAY
CLARK COUNTY RECORDER
Src: ERECORD
Ofc: ERECORD

SPACE ABOVE LINE FOR RECORDER'S USE

TS No.: 2016-00623-NV

Order #: 1609-NV-3104491

The undersigned hereby affirms that there is no Social Security number contained in this document.

TRUSTEE'S DEED UPON SALE

A.P.N.: 163-16-617-002

The undersigned grantor declares under penalty of perjury:
The Grantee Herein **was** the Foreclosing Beneficiary.
The Amount of the Unpaid Debt was **\$562,652.65**
The Amount Paid by the Grantee at the trustee sale was **\$278,050.00**
The documentary transfer tax is **\$1,420.35**
Said Property is in the City of **Las Vegas**, County of **Clark**

Western Progressive - Nevada, Inc., as Trustee, (whereas so designated in the Deed of Trust hereunder more particularly described or as duly appointed Trustee) does hereby **GRANT** and **CONVEY** to

CITIBANK, N.A. AS TRUSTEE FOR AMERICAN HOME MORTGAGE INVESTMENT TRUST 2004-3

(herein called Grantee) but without covenant or warranty, expressed or implied, all right title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the county of **Clark**, State of Nevada, described as follows:

TRUSTEE'S DEED UPON SALE

Order #: 1609-NV-3104491

**LOT ONE HUNDRED TWELVE (112), IN BLOCK TWO (2) OF CIMARRON SPRINGS - UNIT 2,
AS SHOWN BY MAP THEREOF ON FILE IN BOOK 84 OF PLATS, PAGE 48, IN THE OFFICE
OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.**

This conveyance is made pursuant to the authority and powers vested in said trustee, as Trustee, or Successor Trustee, or Substituted Trustee, under that certain Deed of Trust executed by **Diego M. Galietti, a Single Man**, as Trustor, dated **07/09/2004** of the Official Records in the office of the Recorder of **Clark County, Nevada** pursuant to the Notice of Default and Election to Sell under the Deed of Trust recorded on **07/16/2004**, instrument number **20040716-0001043**, Book -- , Page -- of official records of said county. Trustee having complied with all applicable statutory requirements of the State of Nevada and performed all duties required by the Deed of Trust including, among other things, as applicable, all requirements of law regarding the mailing and posting of copies of notices or the publication of a copy of the Notice of Default or the personal delivery of the copy of the Notice of Default have been met. A Notice of Trustee's Sale was published once a week for three consecutive weeks in a legal newspaper, and at least twenty days before the date fixed therein for sale, a copy of the Notice of Trustee's Sale was posted by the Trustee or its authorized representative of said County in one public place, and if required at the property.

TRUSTEE'S DEED UPON SALE

Order #: 1609-NV-3104491.

At the time and place fixed in the Notice of Trustee's Sale, said Trustee did sell said real property at public auction on **12/27/2019** to said Grantee, being the highest bidder at said sale for **\$278,050.00**, in lawful money of the United States, or by the full/partial satisfaction, pro tanto, of the obligation(s) then secured by the Deed of Trust.

In witness thereof, Western Progressive - Nevada, Inc., as trustee, has this day, caused its name to be hereunto affixed.

Date: **December 31, 2019**

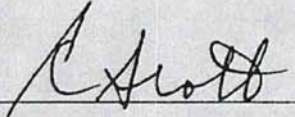
Western Progressive - Nevada, Inc. as Trustee

By:  _____
Iman Walcott, Trustee Sale Assistant

STATE OF Georgia
COUNTY OF Fulton.

On December 31, 2019 before me, the undersigned C. Scott, Notary Public personally appeared Iman Walcott, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


C. Scott

(Seal)

